

# Town of Mashpee

16 Great Neck Road North, Mashpee, MA 02649

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## Zoning Board of Appeals Minutes 01/08/2014

### MASHPEE ZONING BOARD OF APPEALS JANUARY 8, 2014 MINUTES

The Mashpee Zoning Board of Appeals held Public Hearings on Wednesday, January 8, 2014, at 6:00 p.m. in the Waquoit Room at the Mashpee Town Hall, 16 Great Neck Road North. Board Members Jonathan D. Furbush, William A. Blaisdell, James Reiffarth, Richard Jodka, Associate Members Domingo K. DeBarros and Scott Goldstein were present. Building Commissioner Richard E. Morgan was also present. Board Member Ronald Bonvie was absent.

#### CONTINUED HEARINGS

**Thomas F. and Bonnie A. Smith:** Request a Special Permit under §174-25 (I) (9) of the Zoning By-laws to allow for construction of a landing, stairs, pier, ramp and float extending across a total of more than seventy feet of coastal beach, coastal bank, salt marsh, or bordering vegetated wetlands and/or coastal wetlands, freshwater wetlands, swamps or marshes on property located in an R-3 Zoning District at 266 Monomoscoy Road (Map 120 Parcel 57B), Mashpee, MA. Continued from December 11, 2013 Hearings.

Mr. Thomas Smith, homeowner returned as instructed by the Board.

Mr. Blaisdell read the Board of Health Comments; "An executed operations and maintenance contract has been received from the Smith's for the composting toilet so the property is not in violation. Mr. Smith paid \$200.00 as the first monthly installment on the \$800.00 fine owed for not having an O & M contract to maintain the composting toilet since installation. The BOH will monitor and enforce the remaining payments on the fine.

Mr. Furbush read the Conservation Comments; "This project has been approved by Conservation on November 14, 2013".

Mr. Smith stated there are no steps on the walkway. He said that Conservation asked the walkway be raised to a five foot level to accommodate walking access underneath and is part of the final plan. The walkway only extends to the beach for kayak accessibility.

Mr. Furbush read the Harbormaster comments; "The Harbormaster requires that the dock/floats must be updated to black hard plastic encapsulated block flotation and all the foam/Styrofoam be removed and disposed of properly. This will help eliminate the issue of storm bourn debris on our bays, lakes and rivers.

Also that the street address must be permanently and clearly displayed with minimum of 3" block letters with contrasting color at end of pier/piling for emergency purposes, and in addition to the owners address be permanently affixed on all floats and ramps with 3" block letters with contrasting color."

The Board noted for the record this proposal is strictly an approval for a wooden walkway. The applicant will be required to reapply with the Zoning Board of Appeals to request a dock, stairs, pier, ramp and float.

Mr. Blaisdell made a motion to approve Thomas F. and Bonnie A. Smith request for a Special Permit under §174-25 (I) (9) of the Zoning By-laws to allow for construction of a landing, stairs, pier, ramp and float extending across a total of more than seventy feet of coastal beach, coastal bank, salt marsh, or bordering vegetated wetlands and/or coastal wetlands, freshwater wetlands, swamps or marshes on property located in an R-3 Zoning District at 266 Monomoscoy Road (Map 120 Parcel 57B), Mashpee, MA. This approval applies to a plot plan entitled; Town Map 120 Parcel 57B House No. 266 Monomoscoy Road, Rev. November 8, 2013, add distance to nearest southern dock/float-per harbormaster, Rev. November 4, 2013, Plan of Wooden Walkway Located in Mashpee, MA, prepared for Bonnie Smith, Date: September 13, 2013, File: 111MA, Scale: 1" = 10' mono266 prepared by Cape & Island Engineering, 800 Falmouth Road, Ste. 301C, Mashpee, MA.

Mr. Furbush second, yes, Mr. Jodka, yes, Mr. Goldstein yes, and Mr. DeBarros, yes. All were in favor.

**Richard J. and Janet M. Cleary:** Request a Written Finding under Article V §174-17 of the Zoning By-laws and M.G.L. Chapter 40A §6

concerning continuance, extension or alteration of a pre-existing, non-conforming structure to raze and replace a dwelling on property located in an R-3 Zoning District at 16 Spoondrift Way, ( Map 111 Parcel 121 Extension 0-R), Mashpee, MA. At the request of the Attorney, continued from December 11, 2013 hearings (opened, but not heard) to next ZBA meeting with five-member Board sitting.

**Richard J. and Janet M. Cleary:** Request a Written Finding under Article V §174-20 of the Zoning By-laws concerning rebuilding of destroyed or damaged non-conforming structures to raze and replace a dwelling on property located in an R-3 Zoning District at 16 Spoondrift Way, ( Map 111 Parcel 121 Extension 0-R), Mashpee, MA. At the request of the Attorney, continued from December 11, 2013 hearings (opened, but not heard) to next ZBA meeting with five-member Board sitting.

Mr. Kevin Kirrane representing the applicants for this raze and replace project. Mr. Kirrane stated the Board reviewed the application at the November 13, 2013 hearings and requested a continuance until a Conservation application was filed. The discussion was relative to whether or not approval was obtained from the Board of Health and if the Conservation Commission had an opportunity to look at this project prior to the time returning to the Zoning Board of Appeals.

The project is scheduled with Conservation for Thursday evening January 9, 2013. However, since Mr. Kirrane presented the project back in November, he did obtain a memorandum indicating that Mr. McManus met with the engineer onsite and reviewed the proposal and in his opinion, didn't perceive any problems because the project met the appropriate performance standards as established by the Wetlands Protection Act and by the local wetland bylaw.

Mr. Furbush read the Board of Health comments dated November 13, 2013 from Glen Harrington; "The Board of Health has received a certified plot plan on the above referenced property at 16 Spoondrift Way. The plan depicts a proposed leaching facility to replace the existing leaching facility that failed due to not enough depth to groundwater. The replacement leaching facility shall be a straight forward conventional design without a denitrification system or UV light due to compliant setbacks to the wetland resources. A plan depicting elevations and a complete Title V design shall be submitted for final BOH approval."

Mr. Furbush read the Conservation comments dated December 6, 2013; "In regard to the proposed project at 16 Spoondrift Way. I have met with the engineer on site and we went over what is being proposed. The engineer also presented a preliminary plan of proposed activities, including mitigation for slight encroachments closer to the wetland edge (still outside the 50' buffer). This project, as presented in preliminary review also appears to meet all applicable performance standards for areas within the buffer zone to coastal bank and salt marsh as well as Land Subject to Coastal Storm Flow. I do not anticipate any issues with this proposal when it comes before the Conservation Commission at our January 9<sup>th</sup> hearing."

Mr. Blaisdell made a motion to approve Richard J. and Janet M. Cleary request for a Written Finding under Article V §174-17 of the Zoning By-laws and M.G.L. Chapter 40A §6 concerning continuance, extension or alteration of a pre-existing, non-conforming structure to raze and replace a dwelling on property located in an R-3 Zoning District at 16 Spoondrift Way, (Map 111 Parcel 121 Extension 0-R), Mashpee, MA.

Mr. Kirrane stated there is setback relief required but is already listed under the special permit. The building as it exists now currently crosses the property line and is being moved 3.1 feet off the property line. There is an approved encroachment scenario which created and actual side setback. The structure will be more than 31 feet from Spoondrift Way and actually improving.

Richard J. and Janet M. Cleary request a Written Finding under Article V §174-20 of the Zoning By-laws concerning rebuilding of destroyed or damaged non-conforming structures to raze and replace a dwelling on property located in an R-3 Zoning District at 16 Spoondrift Way, ( Map 111 Parcel 121 Extension 0-R), Mashpee, MA.

Bill Blaisdell made a motion to approve Richard J. and Janet M. Cleary's request for a Written Finding under 174-17 and 174-20 and references a plan entitled; "Certified Plot Plan, 16 Spoondrift Way, (New Seabury) Mashpee, MA. Sheet 1 of 1, dated 11/11/13, Scale: as noted, DWG File: Spoondrift\_16\_Cleary, drawn by: MC, Checked by: Christopher Costa, PLS, Prepared by: Costa Associates, Inc., 800 Falmouth Road, Mashpee, MA. Drawing Title: Site Design Plan.

Mr. Furbush, second, yes, Mr. Reiffarth, yes, Mr. Jodka, yes, Mr. Scott Goldstein, yes. All were in favor.

**Lawrence E. & Susan G. Johnson** request a Written Finding under §174-17 of the Zoning By-laws and M.G.L. Chapter 40A §6 concerning continuance, extension or alteration of a pre-existing, non-conforming structure to allow for a new addition and deck of dwelling on property located in an R3 Zoning District at 408 Monomoscoy Road, (Map 124 Parcel 42), Mashpee, MA. At the request of the Attorney, continued from December 11, 2013 hearings (opened, but not heard) to next ZBA meeting with five-member Board sitting.

Attorney Kevin Kirrane represented the applicants at 408 Monomoscoy Road. He stated the homeowners, Lawrence and Susan Johnson, and Tim Luff, of Archi-Tech were present to answer any questions.

The plan depicts a combination of two building lots 43 and 44 and contains approximately 27,000 square feet. The lot currently has a two-story, four bedroom Colonial style home and a pier, float and dock complex. The proposal consists of two additions; one is a two foot bedroom expansion on the Southerly side of the dwelling and the other is for the first floor master bedroom. This bedroom will be expanding onto the existing deck with a two foot cantilever on the rear section of the deck. The master bedroom is on the rear of the dwelling and is a 2 foot expansion towards the property line and expands over the existing deck in the Southerly direction. The deck expands approximately 2 feet. The total expansion of the footprint is less than 100 feet.

This application is before the Board because the structure is a pre-existing, non-conforming structure. Currently, the setback on the Southerly lot side is only 13.8 feet and encroaching 11.2 feet. The requirement is 15 feet and moving approximately 1.6 feet closer to the lot line and 2 feet closer to the wetland from the deck. The requirement is 50 feet from the wetland resource area.

Mr. Furbush read the comments from the Conservation Commission; "I have completed a review of the application for the proposed projects at 408 Monomoscoy Rd and found no omissions in regards to Conservation's submittal requirements. While I am not the issuing authority, I can say that the project, as proposed, does meet all of the applicable performance standards (functions) for the wetland resource areas involved, including salt marsh, bordering vegetated wetlands and Land Subject to Coastal Storm Flow. I do not anticipate any issues with this proposal when it comes before the Conservation Commission on Dec 12<sup>th</sup>, 2013. The project has been approved by Conservation.

Mr. Blaisdell made a motion to approve Lawrence E. and Susan G. Johnson request for a Written Finding under §174-17 of the Zoning By-laws and M.G.L. Chapter 40A §6 concerning continuance, extension or alteration of a pre-existing, non-conforming structure to allow for a new addition and deck of dwelling on property located in an R3 Zoning District at 408 Monomoscoy Road, (Map 124 Parcel 42), Mashpee, MA. This approval references the plot plan entitled; Proposed Additions at 408 Monomoscoy Road, Mashpee, MA, submitted by BSS Design Engineering & Surveying, 164 Katharine Lee Bates Road, Falmouth, MA, scale 1" = 20', dated November 15, 2013, drawn EJP, TJB, job number 13130, drawing number B21-62.

**Mashpee Economic Development & Industrial Corporation:** Request a Special Permit under 174-25 (F) (3) (Automobile Repair Shop) to allow for construction of a new building Preventative Maintenance on property located in an I-1 Zoning District at 117 Industrial Drive (Map 88 Parcel 29-0-E), Mashpee, MA. At the request of the Attorney, continued from November 13, 2013 hearings.

Carol Sherman, President of the Mashpee Economic Development & Industrial Corporation and on the Board of Selectmen introduced Attorney, Mark Gildea representing the applicant Kyle Bugg who is requesting a special permit for his automobile repair shop. He is purchasing the property from the Economic Development & Industrial Corporation. Mr. Bugg presently operates Preventative Maintenance that is adjacent to the premise that he is purchasing. He is outgrowing his auto repair shop business and seeks to remain with the Mashpee business community, and therefore is planning to make a significant investment to purchase the land and construct a new building.

The project has met with Design Plan Review and appeared in front of the Board of Health to address the issues they raised. The proposal is for a 5,100 square foot repair shop with 720 square feet of office space. The site plan depicts the layout of the building and parking. The front and rear setbacks are 75 feet and are met on the submitted plan. The front setback is from Industrial Boulevard depicted as the circular area on the plan. The plan provides for more parking than required and there are 38 total provided and 3 are ADA compliant and consistent with all applicable bylaws and does not adversely impact public health or safety and will not cause excessive demand on new facilities, provides adequate off-street parking, and will not be detrimental to the area or the Town.

Mr. Furbush stated a resident from Great Pines Drive appeared at the November 13, 2013 hearings and had concerns regarding the hours of operation. There were issues with the trucks from neighboring businesses and from the Water Department running their vehicles prior to the start of the business day.

Attorney Gildea stated the proposed building is approximately 200 feet from the nearest residential home and the current operation of the adjacent lot. Also, the parking lot is 200 feet from a residence and will not be any closer than the current building. It is significant to know that an automobile repair shop under the zoning by-laws is required to conduct business inside, and indicated that Mr. Bugg has not received any complaints regarding his operation.

Mr. Furbush read into the record a letter dated December 17, 2013, submitted by Glen Harrington, Health Agent, Mashpee Board of Health stating the following; "The board approved the site and sewage plan for Preventive Maintenance to construct a 5,000 sq. ft. building to repair and restore cars. Kyle Bugg was an applicant. The board did not have any technical questions or comments on the site plan but there was a discussion regarding the operations of the facility and the requirements for commercial properties the board typically places on as a condition of the approval. The operational questions included the recycling of oil, oil filters, tires, batteries, antifreeze and the storage of cars (awaiting repair and for parts). Atty Gildea simply said that the owner will take care of the operations but the amount of cars stored would be based upon licensing requirements.

Mark Gildea, Esq. representing attorney for the project had concerns with two of the requirements. The first requirement was that “all changes in tenancy and/or use of each unit shall be approved by the BOH prior to issuance of a lease or sale if a unit.” Atty Gildea stated that it was the owner’s responsibility to follow the law and that the statement was vague and he didn’t like it as an attorney. The board stated that the use directly relates to Title V and chasing a tenant down after they are in a unit is very difficult.~ If notice is given and the use is described ahead of occupancy, the BOH may comment that the use violates or exceeds Title V. I said that the first proposed building is owner-occupied but the second future building is to be tenant space so I recommended that the requirement be placed when the second building is constructed.

The second requirement stated that the operations of the property shall not be a nuisance or the operation will be considered a noisome trade. Atty Gildea thought that this requirement would limit the value of the property for resale. I said that the BOH, upon a complaint, has the right to investigate and confirm and render a decision, at any time, that an operation is a nuisance so having a condition now was not really needed. The board was satisfied with the explanations so an approval was granted.”

Mr. Jodka read a letter submitted by Glen E. Harrington, Health Agent, Mashpee Board of Health dated December 16, 2013, addressed to Mr. Raul Lizardi-Rivera, P.E., Holmes & McGrath, Inc. 205 Worcester Court, Falmouth, MA. The Mashpee Board of Health approved the site and septic plan based on the conditions documented in the letter and was read into the record as part of the decision.

Mr. Reiffarth read a memorandum addressed to the Zoning Board of Appeals submitted by Catherine Laurent, Director of Department of Public Works, dated October 24, 2013. “With regard to the above application, I recommend that the entrance into the property from Industrial Drive be curbed (instead of the Cape Cod berm proposed). Also, please be advised that Industrial Drive is on the Town’s list of roads that will not be plowed this winter unless repairs are made to the drainage (sinkholes). Industrial Drive is a private road; the property owners are responsible for maintenance of the road. This is the second time in the last few years that Industrial Drive has been placed on the list.” The Board supports this recommendation and it will be documented as part of the decision.

Mr. Blaisdell made a motion to approve the Mashpee Economic Development & Industrial Corporation: Request a Special Permit under 174-25 (F) (3) (Automobile Repair Shop) to allow for construction of a new building Preventative Maintenance on property located in an I-1 Zoning District at 117 Industrial Drive (Map 88 Parcel 29-0-E), Mashpee, MA.

This is contingent upon the Department of Public Works requesting the entrance to 117 Industrial Drive be curbed rather than a Cape Cod berm. Also referencing a plan dated October 7, 2013, entitled; Site Plan prepared for Preventative Maintenance for Lot 29, #117 Industrial Drive, Mashpee, MA. Scale: 1” = 30’, by Holmes and McGrath, Inc. Civil Engineers and Land Surveyors, 205 Worcester Court, Ste. A4, Falmouth, MA, drawn: LAC, checked: TMS, Job No: 213144, DWG. No.: 88-3-22, Sheet 1 of 6.

Mr. Furbush, second, yes, Mr. Reiffarth, yes, Mr. Jodka, yes, Mr. Goldstein, yes. All were in favor.

**Steven M. Waldstein:** (Shirley Bernstein Katz as Trustee of SBK Realty Trust). Request a Variance under §174-31 of the Zoning By-laws (Land Space Requirement) and M.G.L. Chapter 40A §10 to vary the lot size requirements on property located in an R-3 Zoning District at 36 Fells Circle, (Map 122 Parcel 219), Mashpee, MA.

Mr. Steve Waldstein, homeowner presented his proposal and stated he owns both 36 Fells Circle and 42 Fells Circle (abutting lot). These lots were originally owned by his mother. There is a dwelling on 42 Fells Circle and would like to build a home on 36 Fells Circle approximately 1,760 square feet and the lot is 12,000 square feet. The lot is currently vacant.

He stated that he does not have a formal site plan and will be contacting an engineer. The Board wants confirmation from ARC to see if the lot is under the New Seabury Special Permit. Mr. Waldstein has not spoken to Conservation or Board of Health because he is waiting to have his surveying done prior to securing an engineered plot plan.

Mr. Furbush read a comment submitted by Conservation; “A portion of the lot at 36 Fells Circle lies within wetlands jurisdiction. A survey of the lot combined with a site visit will be needed to determine wetland resource areas associated with the lots and buffer zones thereof.”

Mr. Furbush stated a house and engineered plot plan will need to be submitted prior to returning to the next scheduled hearing.

Mr. Blaisdell made a motion to continue Mr. Waldstein’s request until February 26, 2014. Mr. Furbush second, yes, Mr. Reiffarth, yes, Mr. Jodka, yes, Mr. Goldstein, yes, Mr. DeBarros, yes. All were in favor.

**Robert J. Zammito:** Request Appeal of the Building Commissioner’s Decision regarding his enforcement jurisdiction on the proposed offshore aquaculture farm on property abutting an R-3 Zoning District at 36 Popponesset Island Road, (Map 106 Parcel 22), Mashpee, MA. Appellants request reversal of the Building Commissioner’s Determination and issue a ruling that the proposed aquaculture grant is subject

to, and prohibited by, the Town's By-laws.

Attorney Brian Wall representing the appellants stated his clients contend they bought properties in a residential district and that the proposed aquaculture facility is commercial in nature and not allowed. In order to present his case, he gave a ten minute Power Point presentation. The presentation explained the nature of the Aquaculture Industry, the proposed area of the facility (Popponesset Bay), illustrations of equipment and its use, and zoning regulations regarding bodies of water from other Towns.

He stated he represents (21) twenty one individuals who own (11) eleven different properties situated on Popponesset Island and Daniels Island. He filed a request for a Zoning determination with the Building Commissioner and expressed concerns with the Aquaculture facility. The Building Commissioner gave his opinion that the Mashpee By-laws do not extend below the extreme low water mark and denied the request on this basis.

The Aquaculture facility proposal was submitted by Mr. Richard Cook and will consist of 4,500 shellfish cages to be installed in Popponesset and will require specialized equipment to maintain the shellfish farm. The equipment will be installed in Popponesset Bay and is considered a commercial business.

Attorney Wall stated his argument for his client's properties being in an R-3 (Residential) District. The district boundary line shown on the Town's maps show the line running along the shoreline and not sure this was the basis of Mr. Morgan's opinion. If you read further into the bylaw that in his opinion the zoning boundary extends to the municipal boundary in the Bay. He stated that Section 174-7 provides a district boundary and is parallel to a watercourse or a town municipal boundary, the boundary shall be construed as the centerline of the watercourse or as being parallel to the municipal boundary. As a result, the R-3 District extends to the center of Popponesset Bay and the proposed aquaculture grant is within the R-3 District.

Mr. Furbush held a ten page Decision dated July 14, 2011 stating the use is beyond the low water mark and is not within the Zoning Board's jurisdiction.

Attorney Wall stated the case was taken to court and became mute when Mr. Cook moved the location. The courts only decide actual cases and controversies. The first proposal was 30 feet off shore of the property and the Decision was appealed to the land court. Mr. Cook decided to abandon that location and move to a different location about 900 feet, and as a result the land court has never reviewed that decision. It is clearly below the low water mark and Attorney Wall stated his clients do not necessarily agree. He said his presentation demonstrated all the reasons the legislature gave the Town authority to regulate.

Attorney Wall stated that this type of project like any other commercial operation requires multiple permits from multiple boards. The license the Selectmen gave Mr. Cook was the license to use the land. He stated an example is Chapter 91 regarding docks, would require a Town wetlands permit, a State wetlands permit, and sometimes zoning relief. A license from the State waterways division license permit to use land of the Commonwealth and assessed a fee based upon how much of the land they occupy and that division also makes sure the public rights are not interfered. The license that the Selectmen gave Mr. Cook was similar and gave him the right to use that public land exclusively to the exclusion of all others for purposes of shellfish.

Attorney Wall stated nothing has changed in the Petition since the last proposal two years ago, but wanted the Board to take a new look and give a fair hearing. The legal arguments are basically the same, but have been refined because of the process from the Board and would like Town Council's opinion in writing. The new and additional argument is the use of the Town boat landings in a residential zoning.

Mr. Cook approached the Board and stated that Attorney Wall presented the same issues and gives him another avenue of appeal.

The Board decided to review the proposal with Town Counsel prior to returning to the Board on January 22, 2014. Mr. Blaisdell, made a motion to continue, yes, Mr. Furbush seconded, Mr. Reiffarth, yes, Mr. Jodka, yes, Mr. DeBarros, yes, Mr. Goldstein, yes. All were in favor.

**Mashpee Commons:** To discuss preliminary review of completed civil engineering of Phase I 40B Project.

Mr. John Connell, representing Mashpee Commons addressed the Board to discuss the review process of the engineering and landscape plans as stipulated in the 40B Decision, Number 7 on Page 10, "Applicant shall deliver to the Board final, detailed engineered site plans for such phase of the final site plans which are the quality and level of details sufficient to allow the Board any consulting engineer that may be retained by the Board to review the final site plans for consistency with the Master plan as well as for compliance of the terms with the Comprehensive permit."

Mr. Charles Rowley was also present at the meeting.

Mr. Connell submitted six copies of the civil engineering and two copies of the landscape design were submitted to the Board and a letter for the review to fund an escrow account for the hiring of qualified engineer to review the plans.

Mr. Furbush read a letter submitted to the Zoning Board of Appeals, by Charles Rowley dated August 19, 2013; "based upon the above listed items, he estimated that 40 hours review time will be required. Should circumstances arise that require more than 40 hours review time, the Board will be notified before any additional time is expanded."

Mr. Furbush stated although Decisions were submitted, the letter submitted by Charles Rowley was never discussed and as a result, the Board wanted to make a decision and vote on an engineering account of \$5,000.

Mr. Furbush wanted to know what has changed on the submitted plans submitted than what was approved. Mr. Rowley stated he reviewed plans back in 2006 and 2007.

The approved decisions were considered minor and based on the re-numbering and start of construction phases.

Mr. Connell stated there are a couple of major points. Phase I A, of Market Street based on the numbering, is the smaller scope which they need final approval to activate and invoice. He stated they are only applying to start with Phase I A, and have completed engineering of the entire phase because I A sits in the context.

This is the focus for the detailed work, however, there's a strategy for the whole area that is similar to the previous strategy in regard to everything except for the storm water. The values used to drive this design is use of green features wherever possible. The difference between what was approved before was not possible because it solved the storm water for drainage basins that were not in the 40B parcel; they were off the parcel. The plan is to actually keep all the storm water on the property and requires a different strategy.

Mr. Furbush stated the only concerns the Board has are any changes to what was approved. He suggested highlighting any changes on the plans. The Board is not concerned with the "start and finish" of the phases because they were already approved.

Charlie Rowley stated since the original Phase I, a lot of storm water moved toward the side of the street; now the concept is the storm water will remain. Part of what was approved of the original decision is storm water remediation that would reflect what the State requires. For example, the best management practice is review of a wetland area and not just a matter of comparison, but of the original plan and what has changed. He will need to review if matches the general concepts that was approved under the special permit. He will need a summary of the project and how it compares to the special permit, and if reflects the terms that were approved in the special permit. There is concern of the change in parking and if complies with the special permit. There are a lot of small alley ways that were turned into parking spaces.

Charlie mentioned a meeting he had with Horsley-Whitten regarding the pervious paving as one of the remediation proposals isn't possible and wasn't during their discussion. To repeat what is needed is a summary of what they are doing and how they feel it complies with the special permit. There have been substantial changes with the runoff, including any storm water calculation documents.

Mr. Furbush made a motion to fund an escrow account for the Mashpee Commons 40B project in the amount of \$5,000 for Charles Rowley to review the engineering plans. Mr. Blaisdell second, yes, Mr. Reiffarth, yes, Mr. Jodka, yes, Mr. DeBarros, yes, and Mr. Goldstein, yes.

Mr. Blaisdell made a motion to approve the Meeting Minutes for December 11, 2013. Mr. Jodka, second, yes, Mr. Furbush, yes, Mr. DeBarros, yes, Mr. Goldstein, yes. All were in favor. Mr. Blaisdell made a motion to adjourn. All were in favor.

Respectfully submitted,

Mary Ann Romero  
Administrative Secretary  
Zoning Board of Appeals